

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDWARD JOSEPH NELSON,

Plaintiff,

V.

DAN PACHOLKE, PAT GLEBE, RON FRAKER, WILLIAM ROLLINS, S. OBENLAND, KATHY RENINGER, PRICE M. CHENAULT, J. DAVID KENNEY, CRC COMMITTEE STAFFORD CREEK MEDICAL, CLIFFORD J. JOHNSON, SHARON MORGAN, DAVE SIMS, M. HOLTHE, CRC COMMITTEE CBCC, and G. PRESSEL.

Defendants.

No. C12-5048 RBL/KLS

**ORDER GRANTING MOTION TO STAY
DISCOVERY PENDING MOTION TO
DISMISS**

Before the Court is Defendants' Motion to Stay Discovery Pending Motion to Dismiss.

ECF No. 41. Also pending before the Court is Defendant's Motion to Dismiss pursuant to Fed. R. Civ. P. 12 (c). ECF No. 40. Under separate Report and Recommendation, the undersigned has recommended that the motion to dismiss be denied and that Plaintiff be given an opportunity to submit an amended complaint.

DISCUSSION

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while

ORDER - 1

1 a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at
2 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

3 The Court has recommended that Plaintiff be granted leave to submit an amended
4 complaint. Until Plaintiff has submitted a viable Section 1983 complaint, the parties should not
5 be burdened with the expense of discovery.

Accordingly, it is **ORDERED:**

8 (1) Defendants' Motion to Stay Discovery (ECF No. 41) is **GRANTED**; all
9 discovery shall be **STAYED** pending further order of this Court.

10 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
11 Defendants.

DATED this 23rd day of July, 2012.

Karen L. Strombom
Karen L. Strombom
United States Magistrate Judge